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Attorneys for Plaintiffs,
ARISTA RECORDS LLC; WARNER BROS.
RECORDS INC.; UMG RECORDINGS, INC.;
VIRGIN RECORDS AMERICA, INC.; and SONY
BMG MUSIC ENTERTAINMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARISTA RECORDS LLC, a Delaware limited
liability company; WARNER BROS.
RECORDS INC., a Delaware corporation; UMG
RECORDINGS, INC., a Delaware corporation;
VIRGIN RECORDS AMERICA, INC., a
California corporation; and SONY BMG
MUSIC ENTERTAINMENT, a Delaware
general partnership,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO.

007-04980 HRL

**EX PARTE APPLICATION FOR LEAVE
TO TAKE IMMEDIATE DISCOVERY**

ORIGINAL
FILED

SEP 20 2007

E-filing

RICHARD W. WILKINSON
CLERK OF THE DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JF

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil
2 Procedure 26 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting
3 Memorandum of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate
4 discovery.

5 In support thereof, Plaintiffs represent as follows:

6 Plaintiffs, record companies who own the copyrights in the most popular sound
7 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a
8 third party Internet Service Provider ("ISP") to determine the true identity of Defendant John Doe
9 ("Defendant"), who is being sued for direct copyright infringement.

10 As alleged in the complaint, Defendant, without authorization, used an online media
11 distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted works to
12 the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have identified
13 Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date and time
14 of Defendant's infringing activity.

15 Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that
16 identify Defendant's true name, current (and permanent) address and telephone number, e-mail
17 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot
18 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated
19 infringement.
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21 Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a
22 Rule 26(f) conference where there are no known defendants with whom to confer.
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1 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct
2 the foregoing requested discovery immediately.

3 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

4
5 By:



6 MATTHEW FRANKLIN JAKSA

Attorney for Plaintiffs

7 ARISTA RECORDS LLC; WARNER

8 BROS. RECORDS INC.; UMG

RECORDINGS, INC.; VIRGIN

9 RECORDS AMERICA, INC.; and SONY

10 BMG MUSIC ENTERTAINMENT